

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

OBRA LEE,

PLAINTIFF

V.

NO. 1:04CV288-P-D

BUTCH HOWARD, ET AL,

DEFENDANTS

ORDER GRANTING PLAINTIFF'S MOTION FOR RELIEF FROM JUDGMENT

This *pro se* § 1983 complaint was dismissed without prejudice on March 31, 2005, for failure to prosecute because on February 16, 2005, the court mailed a letter to the plaintiff at his last known address informing him that service of process on one the defendants had not been accomplished. This letter was returned as undeliverable with the notation "[i]nmate no longer here." The court remailed the letter to an address that plaintiff had provided. This to was returned as undeliverable

Plaintiff has furnished a new address (docket entry 20) and has filed a motion entitled "Pleading to Reopen" (docket entry 21). The court will treat both pleadings as motions for relief from judgment, pursuant to Rule 60(b), Federal Rules of Civil Procedure. The court now has plaintiff's address and the case appears to be in order. Accordingly, it is

ORDERED:

- 1) The motion for relief (docket entries 20 and 21) is granted.
- 2) This case will be returned to the active docket of the court.
- 3) The clerk of court is directed to again send the letter to plaintiff at his new address which informs him of failure to obtain service of process on one of the defendants.

THIS the 3rd day of June, 2005.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE